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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/441,535      | 11/16/1999  | KARL KLAGHOFER       | GR-98-P-5938        | 4486             |

7590 12/19/2002  
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EXAMINER

ROBUSTELLI, MICHAEL E

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2697

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/441,535

Applicant(s)

KLAGHOFFER ET AL.

Examiner

Michael E Robustelli

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar (US Patent No. 6,163,531).

Regarding claim 1, Kumar discloses a multimedia terminal based on ITU-T standard H.323 ("MCU" 220 of Fig. 2B; Col. 2, lines 55-60) for setting up a multipoint connection to a plurality of terminals (Col. 4, lines 15-25). The multimedia terminal (MCU) disclosed by Kumar includes a controller, for processing signaling (Col. 4, lines 15-17) for a point-to-multipoint connection, and mixer, for providing data-stream mixtures to the plurality of terminals, comprising mixtures of data-streams originating at the plurality of terminals (Col. 3, lines 26-34; Col. 4, lines 18-21).

Regarding claim 3, Kumar discloses a function module and a controller for setting up a multipoint connection to a first terminal and a second terminal (212 and 214 of Fig. 2B) based on ITU-T standard H. 323 (Col. 3, lines 26-32, Col. 4, lines 15-18). Kumar also discloses a mixer (Col. 3, lines 31-34; Col. 4, lines 18-21) for providing data-stream mixtures to the first and second terminals, comprising mixtures of data-streams originating at first and second terminals.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US Patent No. 6,163,531) in view of Ahuja et al. (US Patent No. 5,689,553).

Regarding claims 2 and 4, Kumar, as discussed with the rejection of claims 1 and 3 above, differs from claims 2 and 4 in that Kumar fails to teach the method of providing for each terminal a respective one of the data-stream mixtures.

Ahuja teaches of a "virtual meeting service" that provides multimedia conferences to be connected ("VMS" 28 of Fig. 1 and 2; Col. 5, lines 1-5 and 23-28). A mixer ("bridge controller" 84 of Fig. 3) provides customizable combinations of data-streams to each user (Col. 9, lines 29-33), thus enabling a terminal to receive a mixture of data-streams comprising those originating at the multimedia terminal and any one of the other terminals (15, 30, 18, 68, 60... of Fig. 1).

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It would have been obvious to one having ordinary skill in the art at the time of invention to provide separate mixtures of data-streams to each terminal.

One of ordinary skill in the art would have been motivated to do this because eliminating ones own contribution to the conference data-stream received from the multi-media terminal (Col. 9, lines 23-26) would reduce bandwidth, thereby increasing the efficiency of the system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E Robustelli whose telephone number is 703-305-8326. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Michael E. Robustelli  
December 12, 2002



RICKY NGO  
PRIMARY EXAMINER